

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH DIVISION**

KAREN AND MICHAEL MARTIN,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

KEYBANK NATIONAL ASSOCIATION,
KEYCORP, and OVERBY-SEAWELL
COMPANY,
Defendants.

Case No.: 2:22-cv-01346-RJC

JUDGE ROBERT J. COLVILLE

**UNOPPOSED MOTION FOR EXTENSION OF TIME
FOR DEFENDANTS TO RESPOND TO PLAINTIFFS' COMPLAINT**

Defendants KeyBank National Association, KeyCorp, and Overby-Seawell Company respectfully request that the Court grant an extension of their deadline to respond to Plaintiffs' Complaint, pending resolution of KeyBank Defendants' Unopposed Motion to Stay Action Pending Disposition of Plaintiffs' Motion for Transfer and Centralization Pursuant to 28 U.S.C. § 1407, or alternatively until 30 days after entry of an order denying such motion. Plaintiffs do not oppose the requested relief.

Plaintiffs filed this action on September 20, 2022. According to the Return of Service for the Summons, the Complaint was served on Defendants on September 23, 2022. Defendants' current deadline to answer or otherwise respond to the Complaint is November 22, 2022. *See* Docket Order of 10/13/22 (D.I. 18); Stipulation for Extension of Time by Overby-Seawell Company (D.I. 20).

On November 14, 2022, the KeyBank Defendants filed an unopposed Motion to Stay

Action Pending Disposition of Plaintiffs’ Motion for Transfer and Centralization Pursuant to 28 U.S.C. § 1407 (D.I. 21). That motion, which remains pending, requests a stay of all proceedings and deadlines pending a ruling by the Judicial Panel on Multidistrict Litigation (“JPML”) on a motion filed by Plaintiffs Karen and Michael Martin to transfer all related actions to this Court for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See In re: KeyBank Customer Data Security Breach Litigation*, MDL No. 3056 (“MDL Motion”). Briefing by all parties on the MDL Motion was completed on or about November 15, 2022, and the motion remains pending before the JPML.

Pursuant to Federal Rule of Civil Procedure 6(b), Defendants request an extension of this deadline pending resolution of the KeyBank Defendants’ unopposed motion to stay, or until 30 days after entry of an order denying such motion. Good cause exists for this request, which will allow the parties to conserve time and financial resources while this Court considers the unopposed motion to stay and the JPML considers the pending motion to transfer and centralize the various and related putative class actions that have been filed as to this matter. The requested extension also will not prejudice the parties or unduly delay these proceedings.

WHEREFORE, Defendants respectfully request that the Court extend their deadline to answer, move, or otherwise respond to the Complaint pending resolution of the pending motion to stay all proceedings and deadlines, or alternatively until 30 days after entry of an order denying the motion to stay. A proposed order granting the requested extension of time is attached hereto for the Court’s consideration.

Dated: November 22, 2022

WILSON, ELSE, MOSKOWITZ,
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/s/ Jesse M. Endler

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Respectfully submitted,

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*Counsel for Defendants KeyBank N.A. and
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CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2022, the foregoing was filed with the Clerk of the Court using CM/ECF, which will send notice to the registered attorneys of record that the document has been filed and is available for viewing and downloading.

/s/ Robert P. Leeson

Robert P. Leeson

*Counsel for Defendants KeyBank,
N.A. and KeyCorp*